

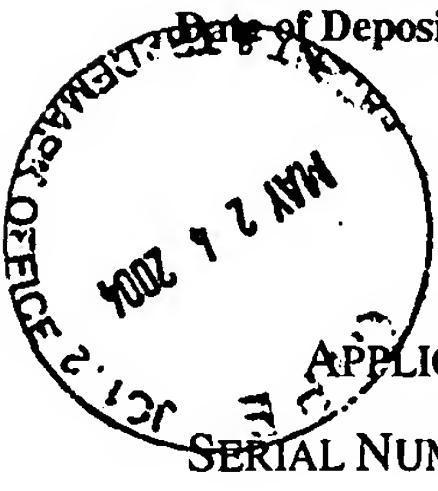
Express Mail Label No.: EV 392155066 US

Date of Deposit: May 24, 2004

Attorney Docket No.: 25452-015

05/26/04

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Therrien, et al.  
SERIAL NUMBER : 10/659,642 EXAMINER : Not Yet Assigned  
FILING DATE : September 10, 2003 ART UNIT : 2186  
FOR : METHOD AND APPARATUS FOR SERVER SHARE MIGRATION AND  
SERVER RECOVERY USING HIERARCHICAL STORAGE  
MANAGEMENT

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the present application are the following documents:

1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (1 page), in duplicate;
3. Copies of Cited References: A1-3; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 25452-015. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

C. Eric Schulman, Esq., Reg. No. 43,350  
Attorney(s) for Applicants  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.

Address all written correspondence to

**Customer no.: 30623**

Tel: (617) 542-6000

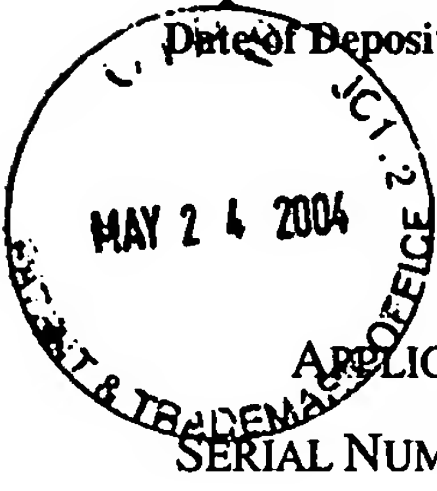
Fax: (617) 542-2241

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**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Form PTO-1449.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.


By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: Therrien, et al.  
U.S.S.N.: 10/659,642

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 25452-015.

Respectfully submitted,



C. Eric Schulman, Esq., Reg. No. 43,350

Attorney(s) for Applicants

MINTZ, LEVIN, COHN, FERRIS,

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Page 1 of 1  
Attorney Docket No.: 25452-015

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|--|-------------|--|-------------------------------------|-------------------------------------|------------------------|-----------------------|----------------------------------|
| <b>Modified Form 1449/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary) |             |  |                                     | Application Number                  |                        | 10/659,642            |                                  |
|  |             |  |                                     | Filing Date                         |                        | September 10, 2003    |                                  |
|  |             |  |                                     | First Named Inventor                |                        | Therrien              |                                  |
|  |             |  |                                     | Group Art Unit                      |                        | 2186                  |                                  |
|  |             |  |                                     | Examiner Name                       |                        | Not Yet Assigned      |                                  |
|  |             |  |                                     | Attorney Docket Number              |                        | 25452-015             |                                  |
| <b>U.S. PATENT DOCUMENTS</b>   |             |  |                                     |                                     |                        |                       |                                  |
| Exam<br>Initials   | Cite<br>No. | U.S. Patent<br>Document No.  | Issue<br>Date                       | Name of Patentee(s) or Applicant(s) | Class                  | Sub<br>Class          | Filing Date<br>If Appropriate    |
|  | A1          | 5,852,713  | 12/22/98                            | Shannon                             | 395                    | 182.04                |                                  |
|  | A2          | 6,088,694  | 07/11/00                            | Burns, et al.                       | 707                    | 8                     |                                  |
|  | A3          | 6,393,516 B2   | 05/21/02                            | Johnson                             | 711                    | 111                   |                                  |
|  |             |  |                                     |                                     |                        |                       |                                  |
|  |             |  |                                     |                                     |                        |                       |                                  |
|  |             |  |                                     |                                     |                        |                       |                                  |
| <b>U.S. PUBLISHED APPLICATION DOCUMENTS</b>  |             |  |                                     |                                     |                        |                       |                                  |
| Exam<br>Initials   | Cite<br>No. | U.S. Published<br>Application No.  | Published<br>Date                   | Name of Patentee(s) or Applicant(s) | Class                  | Sub<br>Class          | Filing Date<br>If<br>Appropriate |
|  |             |  |                                     |                                     |                        |                       |                                  |
|  |             |  |                                     |                                     |                        |                       |                                  |
| <b>FOREIGN PATENT DOCUMENTS</b>  |             |  |                                     |                                     |                        |                       |                                  |
| Exam<br>Initials   | Cite<br>No. | Foreign Patent Document<br>Office Number   | Name of Patentee(s) or Applicant(s) |                                     | Date of<br>Publication | Translation<br>Yes No |                                  |
|  |             |  |                                     |                                     |                        |                       |                                  |
| <b>OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS</b>   |             |  |                                     |                                     |                        |                       |                                  |
| Exam<br>Initials   | Cite<br>No. | Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc. |                                     |                                     |                        |                       |                                  |
|  |             |  |                                     |                                     |                        |                       |                                  |
|  |             |  |                                     |                                     |                        |                       |                                  |

A copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.